

## **REMARKS**

This paper is filed in response to the official action dated November 8, 2004 (hereinafter, the official action). This paper is timely filed as it is accompanied by a petition fee for a one-month extension of time and a check covering the requisite fee of \$120.00.

Claims 1-20 are pending in this application, but claims 8-20 have been withdrawn from further consideration pursuant to the Applicants' election to prosecute claims directed to Figures 1-4.

By the foregoing amendments, claims 1-3 and 5 have been amended, claims 8-20 have been canceled, and claims 21-23 have been added. Each of claims 21-23 reads on the species (Figures 1-4) elected for prosecution in this application. Additionally, the Applicants have amended paragraphs [0030] and [0031] to correct minor typographical errors.

Support for the amendments and newly added claims may be found throughout the application, for example, in the Figures, and at paragraphs [0031] through [0033]. No fee is due for new claims 21-23. No new matter has been added.

Claims 1-7 and 21-23 are at issue.

Claims 1-7 have been rejected under 35 U.S.C. §112 as being indefinite. Claims 1-4, 6 and 7 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,022,190 to Hutchins ("Hutchins").

The various bases for the claim rejections are addressed below in the order presented in the official action. Reconsideration of the application, as amended and in view of the following remarks, is solicited.

## **CLAIM REJECTIONS -- 35 U.S.C. §112**

Claims 1-7 have been rejected under 35 U.S.C. §112 as being indefinite. The Applicants respectfully traverse the 35 U.S.C. §112 rejections of claims 1-7 as being indefinite.

Claim 1 has been amended to correct the asserted indefiniteness problem. The Applicants respectfully submit that claims 1-7 were not indefinite under 35 U.S.C.

§112, however, because a claim is considered definite as long as "the scope of the claims is clear so the public is informed of the boundaries of what constitutes infringement of the patent." See M.P.E.P. § 2173. Nevertheless, the rejections of claims 1-7 for indefiniteness have been overcome and should be withdrawn in view of the amendments to claim 1 presented herein.

#### **CLAIM REJECTIONS -- 35 U.S.C. §102**

Claims 1-4, 6 and 7 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hutchins. The Applicants respectfully traverse the rejections of claims 1-4, 6 and 7 as being anticipated by Hutchins.

The Applicants submit that each and every limitation of a claimed invention must be present in a single prior art reference in order for anticipation to occur. *See, for example, C.R. Bard, Inc. v. M3 Systems, Inc.*, 157 F.3d 1340, 1349 (Fed. Cir. 1998). The standard for anticipation is one of strict identity. This standard has not been satisfied with respect to the pending claims, as amended herein.

Hutchins discloses a powered abrading tool including a sanding pad mounted to a body and adapted to carry an abrading element. *See* Hutchins abstract. The body 11 is shaped as a handle and houses an air driven motor 13. The air driven motor 13 is connected to a series of components including a carrier 14, an orbitally driven part 16, and a sanding pad 18 with a metal backing plate 40. *See* Figures 1 and 2, column 2, lines 14-22, and 62-65. Spring clips 49 are attached to opposite ends of the metal backing plate 40 and may releasably secure sandpaper 19 to an underside of bottom sheet 44 of the sanding pad 18. *See* Figures 1 and 2, column 3, lines 9-22.

Hutchins discloses that "[s]andpaper 19 may be ... releasably secured to the pad by spring clips 49...." *See* column 3, lines 18-22. The pivot arms of spring clips 49, which the Examiner asserted are cam surfaces, *merely* engage sandpaper 19 at a lip extending from a base portion of spring clips 49.

The Applicants submit that the word "cam" is a well known term of art that indicates mechanical structure which, when rotated, imparts a resulting linear force upon another element. For example, *The New Lexicon Webster's Dictionary of the English Language*, 1989 Edition, defines a cam to be an eccentric projection on a shaft which communicates the revolution of the shaft into the linear movement of

another part of a machine.<sup>1</sup> Hutchins merely discloses a spring clip 49, which does not impart a linear force as a result of rotation. Therefore, Hutchins fails to disclose or suggest an abrading tool comprising first and second cam mechanisms pivotally attached to first and second handle ends, as recited by claims 1-7, 21 and 22.

Additionally, assuming *arguendo* that Hutchins discloses a cam, Hutchins still fails to disclose an abrading tool comprising first and second cam mechanisms which include a cam body *extending from an axle*, as recited by claims 1-7, 21 and 22. As such, Hutchins fails to disclose or suggest claim 1 and any claims dependent therefrom. Accordingly, the Applicants respectfully submit that the rejection of claim 1 as anticipated by Hutchins should be withdrawn.

### **NEW CLAIM 23**

New method claim 23 recites a method of releasably attaching an abrasive element, which is allowable over the cited art for the reasons provided above. Therefore, the Applicants respectfully request that claim 23 should be allowed.

### **CONCLUSION**

The Applicants submit that the application is in condition for allowance. Should the examiner wish to discuss any matter of form or procedure in an effort to advance this application to allowance, he is respectfully invited to telephone the undersigned attorney at the indicated telephone number.

Respectfully submitted,

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March 8, 2005



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<sup>1</sup> A copy of this definition is presented in Appendix A.

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before the storm 3. *v.t.* to soothe, p. become calm to calm down to regain emotional self-control after anger etc. [F. *calme* fr. Ital. fr. L. fr. Gk.]  
**cal-ma-tive** (kæl'mativ, kāmativ) 1. *n.* a sedative 2. *adj.* having a quietening effect  
**cal-o-mel** (kæl'mel) *n.* mercurous chloride [F. fr. Gk.]  
**Ca-lonne** (kæl'lon), Charles-Alexandre de (1734-1802), French statesman. As controller-general of finances (1783-7), he failed to break the fiscal privileges of the nobility and upper clergy in prerevolutionary France  
**cal-o-res-cence** (kæl'resəns) *n.* the absorption of visible light and its conversion into infrared radiation. Thus, the glass of a greenhouse admits the wavelengths of visible light, but is opaque to the longer, infrared wavelengths subsequently emitted by objects inside the greenhouse (cf. INCANDESCENCE) [fr. L. *calor*, heat]  
**cal-or-ic** (kæl'orik, kæl'orik) *adj.* of or pertaining to heat || of or pertaining to calories [F. *calorique*]  
**cal-or-ic, cal-o-ry** (kæl'ori:) *n.* (phys., abbr. cal.) a unit of heat energy in the cgs system, defined as the quantity of heat required at 1 atmosphere to raise the temperature of 1 gram of water through 1°C, usually from 14.5°C to 15.5°C (\*MEAN CALORIE) || (physiol.) a unit of heat energy derived by the body from food, equal to 1 kilogram calorie [F. fr. L. *calor*, heat]  
**cal-o-rific** (kæl'orifik) *adj.* producing or relating to heat [F. *calorifique*]  
**calorific value** the heat produced by the complete combustion of a unit weight of a fuel  
**cal-o-rim-e-ter** (kæl'orimēter) *n.* an instrument used to measure quantities of heat or determine specific heats **cal-o-rim-e-tric** (kæl'orimētrik), **cal-o-rim-e-tri-cal** *adjs.* **cal-o-rim-e-try** (kæl'orimētri:) *n.* [fr. L. *calor* (*caloris*), heat + *ME-TER*]  
**calory** \*CALORIE  
**cal-lotte** (kæl'lot) *n.* a skullcap, esp. as worn by priests [F.]  
**cal-o-ver** (kæl'əvər, kæl'siər) *n.* a monk of the Greek Orthodox Church [F. fr. Ital. fr. Gk. *kalos*, good + *geros*, old man]  
**CALR** (*computer acronym*) for computer-assisted legal-research service provided to attorneys for retrieval of decided cases appropriate to a legal problem  
**Cal-ta-nis-set-ta** (kæl'tanisēta) a town (pop. 60,072) in central Sicily, center of the Sicilian sulfur industry. Baroque cathedral  
**cal-trap** (kæl'trap) *n.* a military caltrop esp. as represented in heraldry  
**cal-trop** (kæl'trap) *n.* (*hist.*) an instrument with four iron spikes used on the ground to hinder the approach of cavalry || a member of *Tribulus*, a genus of spiky herbaceous plants [M.E. *calke-trappe* fr. O.E. *coltetræppe*, *calcatrippe*, a trap for the feet, prob. fr. L.]  
**cal-u-met** (kæl'jumet) *n.* a long-stemmed tobacco pipe used ceremonially by North American Indians, a peace pipe [F.]  
**cal-um-ni-ate** (kæl'umni:et) *pres. part.* **cal-um-ni-ating** *past* and *past part.* **cal-um-ni-ated** *v.t.* to slander || to accuse falsely and maliciously by making untrue statements **cal-um-ni-a-tion** *n.* the act of slandering || a slander **cal-um-ni-a-tor** *n.* someone who slanders **cal-um-ni-a-to-ry** *adj.* marked by, or given to, calumny || slanderous **cal-um-ni-ous** *adj.* [fr. L. *calumniari* (*calumnatus*)]  
**cal-um-ny** (kæl'umni:) *pl.* **cal-um-nies** *n.* a slanderous accusation, made with the intention of harming another [fr. L. *calumnia*]  
**Cal-va-dos** (kæl'vados) a department (area 2,197 sq. miles, pop. 561,000) of N.W. France, west of the Seine estuary. Chief town: Caen (\*NORMANDY)  
**Cal-va-ry** (kæl'vari:) the place near Jerusalem where Jesus was crucified **cal-va-ry** *pl.* **cal-varies** *n.* a representation, esp. a carving, of the Crucifixion || intense suffering [fr. L. *Calvaria*, skull, trans. of Aram. *Golgotha*, the place of a skull (Mark xv, 22)]  
**calve** (kæv, kav) *pres. part.* **calv-ing** *past* and *past part.* **calved** *v.i.* to give birth to a calf || (of an iceberg or glacier) to split so that a piece of ice is thrown off || *v.t.* to give birth to (a calf) [O.E. *cealfian*]  
**Cal-vert** (kæl'vert), George, 1st Baron Baltimore (c. 1580-1632), English statesman. His attempt to found (1629) a new American settlement was the origin of the colony of Maryland

**Calvin** (kæ'vin), John (Jean Cauvin, 1509-64), French theologian who spread the Protestant Reformation in France (\*HUGUENOT) and Switzerland, where he established a strict Presbyterian government in Geneva. Calvin taught that it was the right and duty of the State to aid the Church, that biblical authority was to be set above Church tradition, that the sacraments were of value but not essential, and he taught predestination. His teachings, contained in his 'Institutes of the Christian Religion' (1536), spread to the Netherlands and Scotland (\*KNOX), and influenced the Puritans in England and in New England  
**Cal-vin-ism** (kæ'vinizəm) *n.* the doctrine of John Calvin (\*REFORMED CHURCH)  
**Cal-vin-ist** (kæ'vinist) 1. *n.* someone who adheres to Calvinism 2. *adj.* of or relating to Calvinism or Calvinists **Cal-vin-is-tic** *adj.*  
**calx** (kæ'ks) *pl.* **calces** (kæ'siz) *n.* the powder or brittle substance remaining after a metal or mineral has been calcined [L.=lime, small stone]  
**calyces** *alt. pl.* of CALYX  
**cal-yc-u-lus** (kæ'lskjuləs) *pl.* **cal-yc-u-li** (kæ'lskjuləi) *n.* (*bot.*) a small, cuplike structure, e.g. a taste bud [L., dim. of *calyx*, husk fr. Gk.]  
**Cal-y-p-so** (kæ'lipso) (*mythol.*) a nymph who received the shipwrecked Odysseus and entertained him for seven years  
**cal-y-p-so** (kæ'lipso) 1. *n.* a W. Indian lilt song, usually improvised and topical like a ballad with a refrain 2. *adj.* of this style [perh. after *Calypto* the nymph]  
**Cal-y-p-so** (kæ'lipso) *n.* modern swing dance of the Caribbean characterized by foot slapping and hip and knees rolling, derived from slave-songs of Trinidad  
**cal-y-p-tra** (kæ'liptrə) *n.* (*bot.*) the hood covering the lid of the capsule in mosses || the hoodlike covering of a flower or fruit || a root cap [Mod. L. fr. Gk. *kaluptra*, covering]  
**cal-y-p-tro-gen** (kæ'liptrədʒən) *n.* (*bot.*) the histogen layer which develops into the root cap [fr. CALYPTRA + *Gk* -*genes*, producing]  
**cal-yx** (kæ'liks, kæl'iks) *pl.* **cal-yx-es**, **cal-y-ces** (kæ'lisiz, kæl'isiz) *n.* an outer whorl of floral leaves forming the protective covering of a flower bud || the cuplike portion of the pelvis of the kidney || the cuplike body of a crinoid [L. fr. Gk. *kalux*, case of bud, or husk]  
**cam** (kæm) *n.* an eccentric projection on a shaft which communicates the revolution of the shaft into the linear movement of another part of a machine [prob. Du. *kam*, cog]  
**CAM** (*computer*) 1. (*acronym*) for content-addressable memory. 2. computer-sided manufacturing  
**Ca-ma-güey** (kæmægwei, kaməgwéi) the capital (pop. 251,293) of Camagüey province, Cuba: distilleries, sugar refineries  
**ca-ma-ra-de-rie** (kæmərədi:) *n.* the familiar, buoyant spirit proper to good comrades, characterized esp. by mutual trust and loyalty [F. fr. *camarade*, comrade]  
**Ca-margue** (kæmɑrg) a marshy alluvial plain (area 290 sq. miles) in the Rhône delta, S.E. France, lying south of Arles between the Grand Rhône and the Petit Rhône. Bulls and horses are raised. Rice, vines and fodder are grown. The southern part is a zoological and botanical reserve. Chief town: Saintes-Maries-de-la-Mer  
**cam-a-ron** (kæməʀən) *n.* a large freshwater prawn, resembling a crayfish [Span.=shrimp]  
**cam-as** (kæməs) *n.* a member of *Camassia*, fam. *Liliaceae*, a genus of scapose plants of western North America, esp. *C. quamash*, with edible bulbs [Chinook *quamash*, bulb]  
**cam-ber** (kæmbər) 1. *n.* a shallow convex curve on the surface of a road, a roof or the deck of a ship, etc. || (*engin.*) a recess in the side of the entrance to a dock etc., for the sliding caisson 2. *v.t.* to make (an object) cambered || *v.i.* to be cambered [F. *cambre*]  
**camber beam** a curved roof beam  
**cam-bi-al** (kæmbi:əl) *adj.* of or relating to cambium  
**cam-bi-um** (kæmbi:əm) *pl.* **cam-bi-ums**, **cam-bi-a** (kæmbi:ə) *n.* (*bot.*) a lateral meristem between the xylem and phloem in woody plants, from which these tissues develop [L.=exchange]  
**Cam-bo-dia** (kæmboudi:ə) also known as Kam-puchea, a Communist republic (area 69,898 sq. miles, pop. c. 6,890,000), in S.E. Asia. Capital: Phnom Penh. Ethnic and linguistic divisions: 85% Khmers (Cambodians), and minorities of

Chinese, Vietnamese. Languages: Khmer, Chinese and French. Religion: chiefly Buddhism. The land is 75% forest and fertile. The fertile underdeveloped central region, surrounded by mountains, is traversed by the R. Mekong, which floods during the rainy season. The climate is tropical, with a summer monsoon June-Nov. Average temperature (F.): minimum 68°, maximum 90°. Rainfall: 30-80 ins. Agricultural products: rice, cotton, pepper, palm sugar, kapok, beans, coffee, tea, silk. Livestock: oxen, buffalo. Iron ore resources are used. Cambodian fisheries (esp. in the fresh Tonle Sap Lake) are the most productive. Fish and the production of salted fish is an important industry. Exports: rubber, corn, lumber. Imports: textile goods, metal products, machinery and equipment. Phnom Penh, on the Mekong, is the capital. Inland waterways provide a massive transportation network for passengers. Buddhist University at Phnom Penh. Monetary unit: riel. HISTORY. Indians introduced their culture and religion in c. 5th c. By the 6th c. the Khmer Empire had reached its zenith in the 9th c., when it developed a remarkable architecture. Invasions by the Thais and Annamese in the subsequent centuries forced the kingdom for French protection in 1863. Cambodia came part of French Indochina (1887). By treaties (1904, 1907, 1946) with Thailand returned several former provinces to Cambodia. In 1947 a constitutional monarchy was created. Cambodia became a protectorate state in the French Union and (1953) its independence. Following an (1954) of Communist Vietnamese at the Geneva Conference (1954) provided withdrawal of foreign forces from Cambodia. Upon the death of king Norodom Sihanouk (1896-1960), his son, Prince Sihanouk, prime minister since 1955, was deposed (1941-55), became chief minister again. His rule was marked by a policy of neutrality toward the Vietnam War. Following a right-wing coup d'état (Mar. 1970), Heng became head of the Phnom Penh government, advocating a policy of 'neutrality'. On Apr. 30, 1970 U.S. President Nixon announced the invasion of Cambodia by U.S. and South Vietnamese forces. Search of North Vietnamese headquarters, arms stockpiles, and Vietnamese refugee ground combat forces were withdrawn in 1970, but South Vietnamese forces were supported by U.S. air power Cambodia (1970) a republic. The Communist Rouge took Phnom Penh (1975) and moved the entire urban population into the countryside. Hundreds of thousands of people died of starvation, exhaustion, and through purges within the Khmer Rouge movement. The country was almost totally isolated from the outside world. The Vietnamese overran Phnom Penh (1979) and Khmer defectors headed by Heng Samrin established a Vietnamese-style people's republic. Rouge forces fled to the border with Thailand and began guerrilla resistance. A coalition government was formed (1982) with Sihanouk and the Khmer Rouge. The Association of Southeast Asian Nations (ASEAN) expelled this group and insisted on Vietnam leaving the country, and the UN refused to recognize the Vietnam-backed government. The UN backed by the U.S.S.R., continued to operate along the Thai border  
**Cam-bo-dian** (kæmboudi:ən) 1. *adj.* pertaining to Cambodia 2. *n.* a native or inhabitant of Cambodia || the Khmer language  
**Cam-brai**, League of (kæbrei) (1508-10) formed by the Emperor Maximilian I, Louis XII of France, Pope Julius II, and Ferdinand V of Aragon against the republic of Venice  
**Cambrai**, Treaty of a treaty (1529) between France and Emperor Charles V. France permitted Italy to revert to the emperor and relinquished her claims over the Netherlands  
**cam-brel** (kæmbrel) *n.* (*Br.*) a gambler [unknown]  
**Cam-bri-an** (kæmbri:ən) 1. *adj.* relating to Wales || (*geol.*) of the earliest period of the Paleozoic era, characterized by the Cambrian